

[counsel listed on signature page]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Case No. 3:10-cv-03651 WHA

**JOINT STATEMENT REGARDING  
INTRODUCTION OF DR. JAMES KEARL  
TO THE JURY**

Dept.: Courtroom 8, 19<sup>th</sup> Floor  
Judge: Hon. William Alsup

1 Pursuant to the Court's request at the March 28, 2012 pretrial hearing, the parties have  
2 met and conferred regarding the introduction of Dr. Kearl to the jury. The parties, as well as Dr.  
3 Kearl, agree that Dr. Kearl should be introduced to the jury as follows:

4 "Dr. Kearl is an independent expert who was not retained by either party, but was  
5 appointed by the Court to testify in this case. The Court has ordered that his fees are to be paid  
6 by both Oracle and Google. You should consider his testimony in the same way that you would  
7 any other witness's."

1 Dated: March 30, 2012

KEKER & VAN NEST, LLP

2  
3 By: /s/ Robert A. Van Nest

4 ROBERT A. VAN NEST (SBN 84065)  
rvannest@kvn.com  
5 CHRISTA M. ANDERSON (SBN184325)  
canderson@kvn.com  
6 DANIEL PURCELL (SBN 191424)  
dpurcell@kvn.com  
7 710 Sansome Street  
San Francisco, CA 94111-1704  
Telephone: (415) 391-5400  
8 Facsimile: (415) 397-7188

9 SCOTT T. WEINGAERTNER (*Pro Hac Vice*)  
sweingaertner@kslaw.com  
10 ROBERT F. PERRY  
rperry@kslaw.com  
11 BRUCE W. BABER (*Pro Hac Vice*)  
bbaber@kslaw.com  
12 1185 Avenue of the Americas  
New York, NY 10036-4003  
13 Telephone: (212) 556-2100  
Facsimile: (212) 556-2222

14 DONALD F. ZIMMER, JR. (SBN 112279)  
fzimmer@kslaw.com  
15 CHERYL A. SABNIS (SBN 224323)  
csabnis@kslaw.com  
16 KING & SPALDING LLP  
101 Second Street - Suite 2300  
17 San Francisco, CA 94105  
Telephone: (415) 318-1200  
18 Facsimile: (415) 318-1300

19 GREENBERG TRAURIG, LLP  
20 IAN C. BALLON (SBN 141819)  
ballon@gtlaw.com  
21 HEATHER MEEKER (SBN 172148)  
meekerh@gtlaw.com  
22 1900 University Avenue  
East Palo Alto, CA 94303  
23 Telephone: (650) 328-8500  
Facsimile: (650) 328-8508

24  
25 *Attorneys for Defendant*  
GOOGLE INC.

1 Dated: March 30, 2012

BOIES, SCHILLER & FLEXNER LLP

2  
3 By: /s/ Steven C. Holtzman

4 BOIES, SCHILLER & FLEXNER LLP  
5 DAVID BOIES (Admitted *Pro Hac Vice*)  
6 dboies@bsfllp.com  
7 333 Main Street  
8 Armonk, NY 10504  
9 Telephone: (914) 749-8200  
10 Facsimile: (914) 749-8300  
11 STEVEN C. HOLTZMAN (Bar No. 144177)  
12 sholtzman@bsfllp.com  
13 1999 Harrison St., Suite 900  
14 Oakland, CA 94612  
15 Telephone: (510) 874-1000  
16 Facsimile: (510) 874-1460

17 MORRISON & FOERSTER LLP  
18 MICHAEL A. JACOBS (Bar No. 111664)  
19 mjacobs@mofo.com  
20 KENNETH A. KUWAYTI (Bar No. 145384)  
21 kkuwayti@mofo.com  
22 MARC DAVID PETERS (Bar No. 211725)  
23 mdpeters@mofo.com  
24 DANIEL P. MUINO (Bar No. 209624)  
25 dmuino@mofo.com  
26 755 Page Mill Road  
27 Palo Alto, CA 94304-1018  
28 Telephone: (650) 813-5600  
Facsimile: (650) 494-0792

ORACLE CORPORATION  
DORIAN DALEY (Bar No. 129049)  
dorian.daley@oracle.com  
DEBORAH K. MILLER (Bar No. 95527)  
deborah.miller@oracle.com  
MATTHEW M. SARBORARIA (Bar No. 211600)  
matthew.sarboraria@oracle.com  
500 Oracle Parkway  
Redwood City, CA 94065  
Telephone: (650) 506-5200  
Facsimile: (650) 506-7114

Attorneys for Plaintiff  
ORACLE AMERICA, INC.

1 Dated: March 30, 2012

FARELLA, BRAUN & MARTEL LLP

2 By: /s/ John L. Cooper

3 FARELLA, BRAUN & MARTEL LLP

4 JOHN L. COOPER

jcooper@fbm.com

5 235 Montgomery Street

6 17<sup>th</sup> Floor

7 San Francisco, CA 94104

8 Telephone: (415) 954-4400

9 *Attorneys for Independent Expert*

10 DR. JAMES KEARL

**ATTESTATION**

I, Robert A. Van Nest, am the ECF User whose ID and password are being used to file this JOINT STATEMENT REGARDING INTRODUCTION OF DR. JAMES KEARL TO THE JURY. In compliance with General Order 45, X.B., I hereby attest that Steven C. Holtzman and John L. Cooper concurred in this filing.

Date: March 30, 2012

/s/ Robert A. Van Nest